

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 22-21570-CV-WILLIAMS

BRADFORD WILLIAMS,

Plaintiff,

v.

CORE ENERGY, INC., *et al.*,

Defendants.

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ORDER

THIS MATTER is before the Court on Magistrate Judge Eduardo I. Sanchez's Report and Recommendation (DE 29) ("**Report**") on Defendants' Motion to Dismiss Plaintiff's Amended Complaint (DE 22) ("**Motion**"). After determining that Plaintiff failed to state claims under the Fair Labor Standards Act ("**FLSA**"), 29 U.S.C. § 206, Magistrate Judge Sanchez recommended that the Court grant Defendants' Motion, dismiss Counts I and II of the Amended Complaint (FLSA claims), and dismiss without prejudice Counts III and IV of the Amended Complaint (state law breach of contract claims). (DE 29 at 11.) The Report does not specify whether Counts I and II should be dismissed with or without prejudice, but Judge Sanchez notes that "Plaintiff provides no explanation for how he could amend his Amended Complaint to remedy its other FLSA coverage shortcomings." (*Id.* at 9 n.5.) Plaintiff objects to the Report only to the extent it recommends dismissal of Counts I and II *with* prejudice. (DE 30.)

Upon an independent review of the Report, the record, and applicable law, it is **ORDERED AND ADJUDGED** as follows:

1. The Report (DE 29) is **AFFIRMED AND ADOPTED**.
2. Defendants' Motion (DE 22) is **GRANTED**.
3. Plaintiff's Amended Complaint (DE 17) is **DISMISSED WITHOUT PREJUDICE**.
4. Plaintiff shall file an amended complaint within **FOURTEEN (14) DAYS** of the date of this Order. Failure to do so will result in dismissal of this matter.

DONE AND ORDERED in Chambers in Miami, Florida, this 4th day of September, 2023.



KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE